

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JEFFREY R. NELSON and
UNIVERSITY OF NORTH DAKOTA
AEROSPACE FOUNDATION,

Plaintiffs,

VS.

CHARLES L. W. MCGUIRE,

Defendant.

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CIVIL ACTION NO. 07-2389

COUNTER-DEFENDANTS' ORIGINAL ANSWER
TO COUNTER-PLAINTIFF'S COUNTER-CLAIM

COMES NOW, JEFFREY R. NELSON AND UNIVERSITY OF NORTH DAKOTA AEROSPACE FOUNDATION (collectively "Counter-Defendants") and files their Answer to the counter-claims made against them by CHARLES L.W. MCGUIRE ("Counter-Plaintiff"). For such Answer, which numbered paragraphs correspond to the numbered paragraphs of Counter-Plaintiff's Counter-Claim, Counter-Defendants would respectfully show unto the Court as follows:

I. PARTIES

1.1. Counter-Defendants believe that Counter-Plaintiff is a resident of Liberty County, Texas, and further acknowledge his filed motion and answer.

1.2. Counter-Defendants admit the allegations of this paragraph.

1.3. Counter-Defendants admits the that UNDAF is resident of North Dakota, but denies that it's "main purpose is commercial and for profit."

2. VENUE

2.1. Counter-Defendants deny that venue of this federal case is proper in Liberty County, Texas. Counter-Defendants deny that the Texas State Code venue provisions control federal venue.

3. BACKGROUND FACTS

3.1. Counter-Defendants are without sufficient knowledge to admit or deny the allegations of this paragraph.

3.2. Counter-Defendants are without sufficient knowledge to admit or deny the allegations of this paragraph.

3.3. Counter-Defendants are without sufficient knowledge to admit or deny the allegations of this paragraph.

3.4. Counter-Defendants are without sufficient knowledge to admit or deny the allegations of this paragraph.

3.5. Counter-Defendants are without sufficient knowledge to admit or deny the allegations of this paragraph.

3.6. Counter-Defendants are without sufficient knowledge to admit or deny the allegations of this paragraph.

3.7. Counter-Defendants deny the allegations of this paragraph.

3.8. Counter-Defendants deny the allegations of this paragraph.

3.9. Counter-Defendants deny the allegations of this paragraph.

3.10. Counter-Defendants deny the allegations of this paragraph.

3.11. As alleged, Counter-Defendants deny this paragraph.

3.12. As alleged, Counter-Defendants deny this paragraph.

3.13. As alleged, Counter-Defendants deny this paragraph.

3.14. As alleged, Counter-Defendants deny this paragraph.

**4. NEGLIGENT AND GROSS NEGLIGENT MISREPRESENTATIONS
OF JEFFREY R. NELSON, FLIGHT INSTRUCTOR**

4.1. Counter-Defendants deny this paragraph.

4.2. Counter-Defendants deny this paragraph.

4.3. Counter-Defendants deny this paragraph.

4.4. Counter-Defendants deny this paragraph.

**5. NEGLIGENCE AND GROSS NEGLIGENCE OF
UNIVERSITY OF NORTH DAKOTA AEROSPACE**

5.1. Counter-Defendants deny this paragraph.

5.2. Counter-Defendants deny this paragraph.

5.3. Counter-Defendants deny this paragraph.

5.4. Counter-Defendants deny this paragraph.

6. NEGLIGENCE/NEGLIGENCE PER SE

6.1. Counter-Defendants deny this paragraph.

6.2. Counter-Defendants deny this paragraph.

6.3. Counter-Defendants deny this paragraph.

6.4. Counter-Defendants deny this paragraph.

7. STRICT LIABILITY

7.1. Counter-Defendants deny this paragraph.

7.2. Counter-Defendants deny this paragraph.

7.3. Counter-Defendants deny this paragraph.

7.4. Counter-Defendants deny this paragraph.

8. WARRANTY

8.1. Counter-Defendants deny this paragraph.

8.2. Counter-Defendants deny this paragraph.

8.3. Counter-Defendants deny this paragraph.

8.4. Counter-Defendants deny this paragraph.

8.5. Counter-Defendants deny this paragraph.

9. VICARIOUS LIABILITY

9.1. Counter-Defendants deny this paragraph.

Counter-Defendants acknowledge Counter-Plaintiff's Prayer for Relief, but deny that Counter-Plaintiff is entitled to any judgment, awards, damages, or costs from Counter-Defendants.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Counter-Defendants pray for judgment in its favor, for costs of suit, and for such other and further relief as deemed appropriate by the Court.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS/COUNTER-
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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2007 I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filings to the following:

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